

REMARKS

This paper is in response to the Advisory Action mailed July 24, 2006, and is supplemental to the Amendment and Response Under 37 CFR 1.116 filed July 7, 2006 in response to the Final Office Action mailed April 7, 2006.

Claims 1, 8-9 and 12 are amended, claims 15-17 are canceled, and claims 18-20 are added; as a result, claims 1-14 and 18-20 are now pending in this application.

Objection to the Specification

The Office Action objected to the specification due to informalities. Applicant has amended the specification as detailed above.

The Office Action further objected to the specification for not providing antecedent basis for a portion of claim 1. Although Applicant has amended claim 1, Applicant respectfully traverses the assertion that no support is provided in the specification for identifying the third party in the second certificate. The specification describes many embodiments. However, Applicant respectfully submits that no where in the specification is it stated that a second certificate cannot identify the third party.

Thus, Applicant respectfully requests withdrawal of the objections to the specification.

§101 Rejection of the Claims

Claims 9-17 were rejected under 35 USC § 101 as being directed to non-statutory subject matter.

Applicant has amended independent claim 9 to clarify that Applicant's intent is not to claim a program written on paper. Applicant respectfully submits that claim 9 is directed to statutory subject matter. In the event this rejection is maintained, Applicant requests either a proposed amendment or a phone call to discuss this rejection.

Thus, Applicant respectfully request reconsideration of amended independent claim 9, and claims 10-14 which depend therefrom, and allowance of the claims.

Regarding claims 15-17, Applicant has chosen to cancel the claim at this time, but reserves the right to pursue these claims at a later date.

§112 Rejection of the Claims

Claims 1-8 were rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement.

Applicant has amended independent claim 1 and respectfully requests withdrawal of the 35 U.S.C. § 112, first paragraph rejection.

Claims 8 and 12 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Regarding the rejection of claim 8, Applicant has amended the claim to clarify the claim by specifying that the third-party's ability to use the first certificate is revoked. Support for this amendment is found throughout the application, such as in paragraph [0026] which recites in part, "In another embodiment, when the authorizer accesses the URI, the client does not provide the certificate when it is requested, effectively revoking the privilege."

Regarding the assertion in the Office Action that there is insufficient antecedent basis in the claim for "the client not providing the at least one first certificate," Applicant respectfully submits that there is antecedent basis for all portion of the claim. In the event this assertion is maintained, Applicant respectfully requests clarification as to what antecedent basis is believed to be missing.

Regarding claim 12, Applicant has amended the claim to clarify that the granted access allows the third party to access a protected resource of the authorizer.

Thus, Applicant respectfully requests withdrawal of the 35 U.S.C. § 112, second paragraph rejection of claims 8 and 12.

§102 Rejection of the Claims

Claims 1-9 and 12-16 were rejected under 35 USC § 102(e) as being anticipated by McGarvey (U.S. 6,643,774; hereinafter "McGarvey").

With regard to claims 15-16, Applicant has chosen to cancel these claims to remove them from consideration at this time. However, as stated above, Applicant reserves the right to pursue these claims at a later date.

With regard to claim 1-9 and 12-14, Applicant respectfully traverses the rejection because McGarvey fails to teach or suggest the claims as a whole and the systems and methods described in McGarvey fail to correlate to the contributions of the claims.

First, claim 1 recites in part, “providing by the client to the authorizer, the at least one first certificate, upon the authorizer accessing the universal resource identifier (URI). . . .” The Office Action asserts that the client corresponds to the client 300, the third party corresponds to the server 310, and the authorizer corresponds to the private key system 330 of FIGs. 3 and 8. However, as can be seen in FIG. 8, and figures 5-7, the client 300 (client) only provides a certificate (see 805) to the server (third party). McGarvey fails to teach or suggest the client 300 (client) providing a certificate to the private key system 330 (authorizer). Thus, Applicant respectfully submits that McGarvey fails to teach or suggest the entirety of independent claim 1.

Independent claim 9 includes similar language as claim 1. Thus, Applicant respectfully submits that independent claim 9 is patentable for at least the same reasons.

Claims 2-8 and 12-14 depend, directly or indirectly, from patentable independent claims 1 and 9, respectively. Thus, Applicant further submits that claims 12-14 are patentable for at least the same reasons, plus the elements of the claims.

Second, Applicant is unable to correlate the client 300, server 310, and private key system 330 of McGarvey to the authorizer, client, and third party of the claims. It appears the various embodiments of McGarvey describe only two parties. Although the Office Action on page 9, under numbered paragraph 15 suggests a correlation with regard to FIG. 3 and FIG. 8, the suggested correlation does not make sense in view of the claims.

For example, the suggested correlation with regard to claim 1 provides “see Figures 3 and 8, where the client 300 corresponds to the client of the present claim, the server 310 corresponds to the third party of the present claim, and private key system 330 corresponds to the authorizer of the present claim.” However, claim 1 recites in part, “storing by the client, at least one first certificate from an authorizer. . . .” If the client 300 corresponds to the client and the private key system 330 corresponds to the authorizer of the present claim, McGarvey fails to describe any

interaction between the client and the authorizer. The interaction in McGarvey is merely between the client 300 and the server 310 (third party).

Further, as seen in FIG. 8, the data/service request at 807 originates with the client. Although the claims 1-9 and 12-14 do not directly address a data or service request, as can be seen from reviewing the present application (e.g., paragraph [0013] at page 5), such requests originate from the third party. This mismatch between the origins of data/service requests highlights that the correlation of the authorizer, client, and third party to McGarvey is not proper.

Thus, Applicant respectfully submits that McGarvey does not disclose what is presently claimed, but instead other systems and methods that do not correlate to the contributions of the present claims.

Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection and allowance of claims 1-9 and 12-14.

§103 Rejection of the Claims

Claim 10 was rejected under 35 USC § 103(a) as being unpatentable over McGarvey in view of Eastlake et al. ("XML - Signature Syntax and Processing")(hereinafter "Eastlake").

Eastlake is provided to show the third party providing the second certificate and URI to the authorizer in an XML signature. However, Eastlake fails to cure the deficiencies of McGarvey. Thus, because claim 10 depends from patentable independent claim 9, Applicant respectfully submits that claim 10 is also patentable.

Claims 11 and 17 were also rejected under 35 USC § 103(a) as being unpatentable over McGarvey in view of Ellison et al. ("SPKI Certificate Theory")(hereinafter "Ellison").

With regard to claim 17, Applicant has chosen to cancel this claim to remove it from consideration at this time. However, as stated above, Applicant reserves the right to pursue this claim at a later date.

With regard to claim 11, Ellison is provided to show the first and second certificates are SPKI certificates. However, Ellison fails to cure the deficiencies of McGarvey. Further, claim 11 depends from claim 10. Applicant assumes the rejection of claim 11 is also based on a combination including Eastlake. As mentioned above, Eastlake also fails to cure the deficiencies

of McGarvey. Thus, because claim 11 depends from patentable claims 9 and 10, Applicant respectfully submits that claim 11 is patentable for at least the same reasons.

Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejections and allowance of claims 10 and 11.

Regarding new claims 18-20, Applicant respectfully submits that claims are allowable for at least the same reasons as the previously pending claim. Allowance of new claims 18-20 is respectfully requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, James Hallenbeck at (612) 373-6938, or Applicant's below-named representative to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

VICTOR B. LORTZ

By his Representatives,
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, Minnesota 55402
(612) 349-9592

By / Ann M. McCrackin /
Ann M. McCrackin
Reg. No. 42,858